

REMARKS/ARGUMENTS

Reconsideration of this application is requested. Claims 21-40 and 44-49 are in the case.

The Action asserts that the Response filed April 25, 2007 is not fully responsive in that it does not point out how claims 41 and 44 are patentable over the prior art. In response, claims 41-43 have been canceled without prejudice and claim 44 has been amended to include language corresponding to that recited in claim 21 but adapted to the claimed subject matter of claim 44.

Claim 44 (together with other claims) was rejected under 35 U.S.C. §102(b) as allegedly anticipated by or, in the alternative, under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent 5,520,166 to Ritson, et al, in view of U.S. Patent 5,334,019 to Goldsmith. The rejections were traversed in the prior response. It is believed that the arguments for traversal presented in the prior response are directly applicable to claim 44 as presently amended.

Amended claim 44 provides an outlet assembly of an actuator for an inhaler for delivering medicament by inhalation, the outlet assembly being a part formed separately of a main body of the actuator. The outlet assembly comprises a nozzle block for receiving a valve stem of a canister containing medicament and delivering medicament from the canister into a mouthpiece for guiding medicament to the mouth of a user, the main body of the actuator comprising a tubular member for receiving the canister wherein at least a part of the outlet assembly is configured so as to deform and optionally break, to displace the nozzle block out of operable position, on withdrawal of the outlet assembly from the main body. The outlet assembly further comprises at least

one member connecting a lower part of the mouthpiece with a lower part of the nozzle block and at least one member connecting an upper part of the mouthpiece with an upper part of the nozzle block, wherein at least one of the members connecting the mouthpiece with the nozzle is formed with a weakened section, and wherein the outlet assembly comprises a catch member arranged to apply a deforming force on the weakened section of the connecting member upon withdrawal of the outlet assembly from the main body.

Ritson describes a medication cassette for an automatic aerosol medication delivery system. At column 8, line 60-63, Ritson discloses that the cassette components (i.e., housing, mouthpiece and canister) "cannot be non-destructively disassembled so that the cassette cannot be subsequently operatively reassembled and used." However, Ritson does not describe how and what should break during disassembly. Referring to the embodiment disclosed in Figs. 4 and 5, disassembly of the housing and the mouthpiece would likely result in deformation of the tabs 42 on the housing and/or the corresponding apertures 28 on the mouthpiece, thereby only affecting the means for connecting the two components, and leaving the functional parts, including the nozzle block 21 and its support structure 29, unaffected. In that event, the Ritson mouth piece would still be functional and could be reused to actuate a canister in a simple manner, with or without the housing.

The invention as now claimed in claim 44 specifies that the outlet assembly (which directly corresponds to the mouthpiece according to Ritson) comprises at least one member connecting a lower part of the mouthpiece with a lower part of the nozzle block and at least one member connecting an upper part of the mouthpiece with an

upper part of the nozzle. Moreover, at least one of the members connecting the mouthpiece with the nozzle is formed with a weakened section, and the outlet assembly comprises a catch member arranged to apply a deforming force on the weakened section of the connecting member on withdrawal of the outlet assembly from the main body. This is supported by the discussion beginning at page 6 line 16 of the originally filed specification, in relation to the structure of the outlet assembly 4, and particularly at page 8, beginning at line 17. No new matter is entered. Entry of the amended claims is respectfully requested.

It is clear that Ritson does not anticipate the invention as now claimed.

Withdrawal of the anticipation aspect of the rejection is respectfully requested.

With regard to obviousness, Ritson clearly does not suggest the invention as now claimed. There is nothing in Ritson which would have motivated one of ordinary skill to arrive at the structure as claimed having an outlet assembly comprising a catch member arranged to apply a deforming force on the weakened section of the connecting member on withdrawal of the outlet assembly from the main body.

The above-noted deficiencies of Ritson are not cured by Goldsmith. Goldsmith is relied upon for an alleged disclosure of a breakaway tab for preventing reattachment and reuse of the nozzle. Goldsmith is otherwise irrelevant to the presently claimed invention. One of ordinary skill would not have been motivated to combine the disclosures of Ritson and Goldsmith and, even if such a combination had been attempted (it is believed that would not have occurred to one of ordinary skill), the presently claimed invention would not have resulted or have been rendered obvious thereby. Absent any such motivation, a *prima facie* case of obviousness does not exist

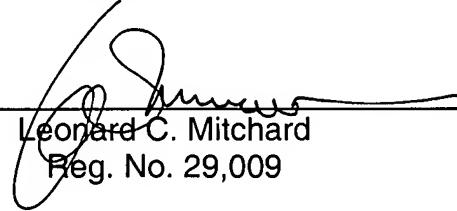
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in this case. Reconsideration and withdrawal of the outstanding obviousness rejection are accordingly respectfully requested.

Favorable action is awaited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 

Leonard C. Mitchard
Reg. No. 29,009

LCM:Iff
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100